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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,092	11/03/2003	Toshihiro Takagi	04995/I25001	2787
7590	12/28/2004		EXAMINER	
Jonathan P. Osha ROSENTHAL & OSHA L.L.P. 1221 McKinney St., Suite 2800 Houston, TX 77010			LUU, MATTHEW	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,092	TAKAGI ET AL.	
	Examiner	Art Unit	
	LUU MATTHEW	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 November 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1 is/are allowed.
 6) Claim(s) 2-4 and 6-9 is/are rejected.
 7) Claim(s) 5 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 03 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/03/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 4, 6, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda et al (5,978,041) in view of Inamori (6,236,392).

Regarding claim 2, Masuda et al disclose (Figs. 31, 34-36, and 48) an image processing apparatus comprising:

an mage input unit (Fig. 31, ROM 35) configured to be input a first image (picture A); a color setting unit (specific area brightness conversion 32) configured to set an adjustment value of a color attribute of a second image (picture B) from a reference color attribute (column 37, lines 19-21, wherein the reference value is the initial value and the adjustment value is the predetermined value added to the picture data B);

a composite image producing unit (CPU 34 and picture composition 33) configured to adjust the color attribute of the second image in accordance with the adjustment value, and to

produce a composite image by superposing the second image (picture B) onto the first image (picture A) on the display device (31), wherein the brightness level of picture (A) and picture (B) can be adjusted independently (column 36, lines 47-53).

The only difference between the disclosure of Masuda et al and the claimed invention is that claim 2 requires an image output unit configured to selectively output the first image and the composite image.

However, Inamori , from the same field of endeavor, discloses (Figs. 1 and 5) a superposing image display device including an image output unit (Fig. 1, display control circuit 26) configured to selectively output the first image and the composite image (Fig. 5, data switching circuit 52). See column 1, lines 39-48; and column 12, lines 3-18).

It would have been obvious to a person of ordinary skill in the art to use the superimpose switching circuit of Inamori into the superimposed image display device of Masuda et al to provide the user an option whether to display the superimposed image or display only the original image. Furthermore, it is conventional in the art that a closed text caption can be selectively displayed on the TV screen with the original video

image.

Regarding claim 4, Masuda et al disclose (Figs. 31 and 45) the composite image producing unit (CPU 34 and picture composition 33) configured to adjust the color attribute of the second image (picture B) except for the excluded area (the area outside of picture B). In another word, since Masuda et al teach that the brightness level of picture (A) and picture (B) can be adjusted independently (column 36, lines 47-53), it would have been obvious to the person of ordinary skill in the art to recognize that the only the brightness of the area of picture (B) can be independently adjusted except for the excluded area (the area outside of picture B).

Regarding claim 6, Masuda et al disclose (Fig. 1) a receiving unit (NTSC 1) configured to receive a program in which broadcasted in a selected channel (TV channel). See column 1, lines 5-16. Inamori also discloses (Fig. 8) a television receiver (column 2, lines 6-8).

Regarding claim 7, Masuda et al disclose (Figs. 31) an image producing unit (external input 36) configured to produce the second image (picture B).

Regarding claim 8, it is well known in the art that an on-

screen display (OSD) image, such as a brightness or color adjustable control bar, can be superimposed displayed onto an original TV video image which enables the user to set the brightness or color of the image on the TV screen.

Regarding claim 9, it is well known in the art that an on-screen display (OSD) image, such as a brightness or color adjustable control bar, can be superimposed displayed onto an original TV video image to indicate the status level of brightness or color being adjusted, which allows the user to increase/decrease the brightness level as desired.

Claim Rejections - 35 USC § 103

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda et al in view of Inamori as applied to claim 2 above, and further in view of Brunner et al (6,369,830).

Regarding claim 3, note the rejection as set forth above with respect to claim 2.

Masuda et al further disclose (Fig. 49) the DC level control means (3111) and the voltage power source (3114) for adjusting the brightness of the second image (B) at different level (column 38, lines 53-62). The predetermined range would be at V0 (ground level) to the Vmax level of the voltage power source (3114).

The only difference between the disclosure of Masuda et al and the claimed invention is that the claim 3 requires adjusting transparency of the superimposed image.

However, Brunner discloses (Fig. 2 and 3) a superimposed on-screen display windows, wherein each pixel has an alpha value representing a relative degree of transparency (or opacity = 1- alpha value) for that pixel. It is well known in the art the user can adjust the degree of transparency of the superimposed displayed windows so that the user can see through the underlying windows. See column 4, lines 30-43. It would have been obvious to the person of ordinary skill in the art to use the technique of applying the degree of transparency value in the superimposed image display system into the superimposed image display system of Masuda et al to provide special effects such as semi-transparency, wherein the user can adjust the degree of transparency of the superimposed displayed windows so that the user can see through the underlying windows.

Allowable Subject Matter

Claim 1 is allowed.

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takeuchi et al. (6,297,797) disclose (Fig. 10) an on-screen display as a closed caption data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BELLA MATTHEW can be reached on (703) 308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu



MATTHEW LUU
PRIMARY EXAMINER